

1 GLANCY PRONGAY & MURRAY LLP

Lionel Z. Glancy (SBN 134180)

2 Marc L. Godino (SBN 182689)

3 Danielle L. Manning (SBN 313272)

1925 Century Park East, Suite 2100

4 Los Angeles, California 90067

Telephone: (310) 201-9150

5 Facsimile: (310) 201-9160

Email: lglancy@glancylaw.com

6 Email: mgodino@glancylaw.com

7 Email: dmanning@glancylaw.com

8 GREENSTONE LAW APC

Mark S. Greenstone (SBN 199606)

9 1925 Century Park East, Suite 2100

Los Angeles, California 90067

10 Telephone: (310) 201-9156

11 Facsimile: (310) 201-9160

Email: mgreenstone@greenstonelaw.com

12 *Attorneys for Plaintiffs*

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

16 Quackenbush et al.,

17
18 Plaintiff(s),

19 vs.

20 American Honda Motor Company, Inc. et al.,

21 Defendant(s).
22
23

)
) Case No. 3:20-cv-05599-WHA
)

) **DECLARATION OF MARK S.**
) **GREENSTONE IN SUPPORT OF**
) **PLAINTIFFS' MOTION FOR CLASS**
) **CERTIFICATION**
)
)
)
)
)
)

1 I, Mark S. Greenstone, declare as follows:

2 1. I am the founding principle of Greenstone Law APC, counsel for Plaintiffs Mary
3 Quackenbush, Anne Pellettieri, and Marissa Feeney (“Plaintiffs”) in the above-captioned action. I
4 make this declaration in support of Plaintiffs’ Motion for Class Certification. I have personal
5 knowledge of the matters stated herein and, if called upon, I could and would competently testify
6 thereto.

7 2. I have been a member of the State Bar of California since 1998 and am admitted to
8 practice in all California state and federal courts. I graduated Order of the Coif from the UCLA
9 School of Law 1998 and spent the first eight years of my career specializing in complex business
10 litigation at a renowned national defense firm, Sheppard Mullin Richter & Hampton LLP. I have
11 focused exclusively on class action litigation since 2012 and am the current chair of the annual
12 Cambridge on Plaintiffs’ Class Action.

13 3. Greenstone is a Los Angeles-based law firm founded by me in 2018. Prior to
14 founding the firm, I was partner at Glancy Prongay & Murray LLP, a well-known national class
15 action firm. Greenstone specializes in the prosecution of consumer and employment-related class
16 actions, with a special focus on automobile defect class actions such as the present action. A true
17 and correct copy of Greenstone’s firm is attached as **Exhibit A**.

18 4. I was appointed Co-Lead Class counsel in *Gann, et al. v. Nissan North America,*
19 *Inc.*, Case No. 3:18-cv-00966 (M.D. Tenn., finally approved May 10, 2020), a settlement
20 concerning approximately 1.4 million Nissan Altima vehicles with allegedly defective CVTs. I
21 was also appointed Co-Lead Class Counsel in *Reniger, et al. v. Hyundai Motor America*, No.
22 4:14-cv-03612 (N.D. Cal., finally approved March 28, 2017), a settlement that established a
23 reimbursement program and ten-year service campaign for approximately 77,000 owners and
24 lessees of 2010-2012 Hyundai Santa Fe vehicles alleged to suffer from a stalling defect.

25 5. More recently, I was appointed Co-Lead Class Counsel in *Khona, et al. v. Subaru*
26 *of America, Inc.*, No. 1:19-cv-09323, finally approved July 8, 2021), a settlement involving over
27 200,000 Subaru Outback and Legacy vehicles alleged to have defective windshields prone to
28 cracking. In approving the settlement, the Court specifically recognized the outstanding nature of

1 the relief provided, commenting: “[Q]uite frankly, by virtue of this settlement, I find that the class
 2 members are going to get more than what they normally would have gotten...an eight-year
 3 warranty for unlimited mileage is a very generous settlement. It’s very generous to the owner or
 4 the lessee. And on top of that, for any expenses that they’ve paid in the past, they’re getting
 5 reimbursed for it. So it puts them in a very good position. I find that the settlement class will be
 6 fully reimbursed.” *See* June 11, 2021 Final App. Hrng. Tr. 21:18-22:2.

7 6. Currently, I represent drivers and lessees in the following automobile-defect class
 8 actions: *Teresa Stringer v. Nissan North America, Inc.*, No. 3:21-cv-00099 (M.D. Tenn.); *Andre*
 9 *Damico v. Hyundai Motor America*, Case No. 30-2018-01008552-CU-BC-CXC (Orange Cty.
 10 Super. Ct.); *Kathleen Cadena v. American Honda Motor Company, Inc.*, Case No. 8:19-cv-00839
 11 (C.D. Cal.); *Joseph Hammerschmidt v. General Motors LLC*, No. 0:20-cv-01773 (D. Minn.);
 12 *Dauod Shaaya v. Jaguar Land Rover North America LLC*, Case No. 2:20-cv-05679 (D.N.J.);
 13 *Jamie Loo v. Toyota Motor Sales USA, Inc.*, Case No. 8:19-cv-00750-VAP-ADS (C.D. Cal.);
 14 *Dennis and Deborah Murphy v. Toyota Motor Sales, USA Inc., et. al.* Case No: 2:20-cv-05892-
 15 RSWL-JEM (C.D. Cal.); *Natasha Peguero et. al. v. Toyota Motor Sales USA Inc., et. al.*, Case No.
 16 2:20-cv-05889- DMK-SK (C.D. Cal.); and *Rosalie Quinones v. Toyota Motors Sales, USA Inc. et.*
 17 *al.*, Case No: 5:19-cv-01611 (C.D. Cal.).

18 7. I have delivered excellent results as class-counsel in other consumer cases as well.
 19 For example, in *Story v. Mammoth Mountain Ski Area, LLC*, No. 2:14-cv-02422 (E.D. Cal.), I
 20 negotiated a \$3.75 million settlement on behalf of a class of approximately 37,000 individuals for
 21 an alleged violation of the Telephone Consumer Protection Act. In preliminarily approving the
 22 settlement, the Court expressly recognized counsels’ diligence, commenting: “To the parties’
 23 credit, you’ve worked incredibly hard in resolving this, and the Court appreciates your effort...I
 24 found it interesting that there was at least two mediations, issues on both sides as to the merits or
 25 lack thereof of the case itself, and again to your credit with the help of mediators you came to a
 26 resolution...” I have been appointed as class counsel in other consumer class actions as well,
 27 including *Bercut, et al. v. Michaels Stores, Inc.*, No. SVC-257268 (Sonoma Cty. Super. Ct.) (\$4
 28 million settlement under the Fair Credit Reporting Act (“FCRA”) on behalf of a class of

approximately 120,000 current and former employees, finally approved October 10, 2018) and *Feist, et al. v. Petco Animal Supplies, Inc.*, No. 3:16-cv-01369 (S.D. Cal.) (\$1.2 million class action settlement under the FCRA, finally approved November 16, 2018).

8. My firm and my co-counsel, Glancy Prongay & Murray LLP, have vigorously prosecuted this action from inception to the present. We investigated the underlying allegations regarding the defect in the VTC Actuator by, among other things, interviewing approximately eighty potential putative Class Members, and engaging automotive experts from to help evaluate Plaintiffs' claims from a technical standpoint. We have also successfully defeated a motion to dismiss and motion to strike; arranged vehicle inspections of all five plaintiffs (two of which required out of state travel); arranged depositions of all five Plaintiffs (again requiring out of state travel); successfully moved to compel completion of Honda's document production; reviewed nearly 100,000 pages of documents; and deposed Honda's 30(b)(6) witness.

9. Attached hereto as **Exhibit B** is a true and correct copy of Defendant American Honda Motor Co., Inc.'s Responses to Plaintiffs' First Set of Interrogatories.

10. Attached hereto as **Exhibit C** is a true and correct copy of a power –point presentation produced by Defendants bates stamped as Honda-Quackenbush-021635-74.

11. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the deposition transcript of Michael Preston Gibson.

12. Attached hereto as **Exhibit E** is a true and correct copy of Exhibit 501 to the deposition transcript of Michael Preston Gibson.

13. Attached hereto as **Exhibit F** is a true and correct copy of a power-point presentation produced by Defendants bates stamped as Honda-Quackenbush-022458-80.

14. Attached hereto as **Exhibit G** is a true and correct copy of a TSB No. 16-012 bates stamped Honda-Quackenbush-023460-70.

15. Attached hereto as **Exhibit H** is a true and correct copy of a TSB No. 09-010 bates stamped Honda-Quackenbush-023471-81.

16. Attached hereto as **Exhibit I** is a true and correct copy of QIS No. TA5A08032405 bates stamped Honda-Quackenbush-018851-54.

1 17. Attached hereto as **Exhibit J** is a true and correct copy of a power-point
2 presentation produced by Defendants bates stamped Honda-Quackenbush-022458-80.

3 18. Attached hereto as **Exhibit K** is a true and correct copy of QIS No. HAM11083102
4 bates stamped Honda-Quackenbush-014071-74.

5 20. Attached hereto as **Exhibit L** is a true and correct copy of a power point
6 presentation produced by Defendants bates stamped Honda-Quackenbush-039828-43.

7 21. Attached hereto as **Exhibit M** is a true and correct copy a QIS bates stamped
8 Honda-Quackenbush-014075-78.

9 22. Attached hereto as **Exhibit N** is a true and correct copy of an e-mail chain bates
10 stamped Honda-Quackenbush-073416-17.

11 23. Attached hereto as **Exhibit O** is a true and correct copy of an e-mail bates stamped
12 Honda-Quackenbush-073592-95.

13 24. Attached hereto as **Exhibit P** is a true and correct copy of a QIS numbered
14 HAM12101201 and bates stamped Honda-Quackenbush-018863-72.

15 25. Attached hereto as **Exhibit Q** is a true and correct copy of a power point produced
16 by Defendants as Honda-Quackenbush-061483-513.

17 26. Attached hereto as **Exhibit R** is a true and correct copy of Exhibit 511 to the
18 deposition transcript of Michael Preston Gibson.

19 27. Attached hereto as **Exhibit S** are true and correct copies of Exhibits 512-516 to the
20 deposition transcript of Michael Preston Gibson.

21 28. Attached hereto as **Exhibit T** is a true and correct copy of Defendant American
22 Honda Motor Co., Inc.'s Responses to Plaintiffs' Second Set of Interrogatories.

23 29. As part of its document production in this case, Honda produced a database of
24 warranty claims including information pulled from dealer records, Bates numbered Honda-
25 Quackenbush-07990. [REDACTED]

26 [REDACTED]
27 I declare under penalty of perjury under the laws of the United States of America that the
28 foregoing is true and correct. Executed this 1st day of October 2021, at Los Angeles, California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Mark S. Greenstone
Mark S. Greenstone

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On October 1, 2021, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Northern District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 1, 2021, at Los Angeles, California.

s/ Mark S. Greenstone

Mark S. Greenstone